

determination that an article should not be regulated under 7 CFR part 340. Paragraphs (b) and (c) of § 340.6 describe the form that a petition for determination of nonregulated status must take and the information that must be included in the petition.

On August 16, 1995, APHIS received a petition (APHIS Petition No. 95-228-01p) from Plant Genetic Systems (America), Inc., (PGS) of Des Moines, IA, requesting a determination of nonregulated status under 7 CFR part 340 for a male sterile, glufosinate tolerant corn line designated as transformation event MS3 (event MS3). The PGS petition states that corn event MS3 should not be regulated by APHIS because it does not present a plant pest risk.

As described in the petition, corn event MS3 has been genetically engineered with a gene from *Bacillus amyloliquefaciens* encoding a ribonuclease called barnase, which inhibits pollen formation and results in male sterility of the transformed plants. Corn event MS3 also contains the *bar* gene isolated from the bacterium *Streptomyces hygroscopicus* that encodes a phosphinothricin acetyltransferase (PAT) enzyme, which, when introduced into a plant cell, inactivates glufosinate. Linkage of the *barnase* gene, which induces male sterility, with the *bar* gene, a glufosinate tolerance gene used as a marker, enables identification of the male sterile line before the plant begins to flower. Event MS3 was transformed via immature embryo electroporation in yellow dent corn material. Expression of the introduced genes is controlled in part by the P35S promoter derived from the plant pathogen cauliflower mosaic virus and the 3' nos sequence from the plant pathogen *Agrobacterium tumefaciens*.

PGS' corn event MS3 is currently considered a regulated article under the regulations in 7 CFR part 340 because it contains the above-mentioned gene sequences derived from plant pathogenic sources. The subject corn line has been evaluated in field trials conducted since 1992 under APHIS permits or notifications. In the process of reviewing the applications for field trials of the corn event MS3, APHIS determined that the trials, which were conducted under conditions of reproductive and physical containment or isolation, would not present a risk of plant pest introduction or dissemination.

In the Federal Plant Pest Act, as amended (7 U.S.C. 150aa *et seq.*), "plant pest" is defined as "any living stage of: Any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate

animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured or other products of plants." APHIS views this definition very broadly. The definition covers direct or indirect injury, disease, or damage not just to agricultural crops, but also to plants in general, for example, native species, as well as to organisms that may be beneficial to plants, for example, honeybees, rhizobia, etc.

The U.S. Environmental Protection Agency (EPA) is responsible for the regulation of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136 *et seq.*). FIFRA requires that all pesticides, including herbicides, be registered prior to distribution or sale, unless exempt by EPA regulation. In cases in which the genetically modified plants allow for a new use of an herbicide or involve a different use pattern for the herbicide, the EPA must approve the new or different use. In conducting such an approval, the EPA considers the possibility of adverse effects to human health and the environment from the use of this herbicide. When the use of the herbicide on the genetically modified plant would result in an increase in the residues of the herbicide in a food or feed crop for which the herbicide is currently registered, or in new residues in a crop for which the herbicide is not currently registered, establishment of a new tolerance or a revision of the existing tolerance would be required. Residue tolerances for pesticides are established by the EPA under the Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 201 *et seq.*), and the Food and Drug Administration (FDA) enforces tolerances set by the EPA under the FFDCA.

The FDA published a statement of policy on foods derived from new plant varieties in the Federal Register on May 29, 1992 (57 FR 22984-23005). The FDA statement of policy includes a discussion of the FDA's authority for ensuring food safety under the FFDCA, and provides guidance to industry on the scientific considerations associated with the development of foods derived from new plant varieties, including those plants developed through the techniques of genetic engineering.

In accordance with § 340.6(d) of the regulations, we are publishing this notice to inform the public that APHIS will accept written comments regarding

the Petition for Determination of Nonregulated Status from any interested person for a period of 60 days from the date of this notice. The petition and any comments received are available for public review, and copies of the petition may be ordered (see the **ADDRESSES** section of this notice).

After the comment period closes, APHIS will review the data submitted by the petitioner, all written comments received during the comment period, and any other relevant information. Based on the available information, APHIS will furnish a response to the petitioner, either approving the petition in whole or in part, or denying the petition. APHIS will then publish a notice in the Federal Register announcing the regulatory status of PGS' corn event MS3 and the availability of APHIS' written decision.

Authority: 7 U.S.C. 150aa-150jj, 151-167, and 1622n; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(c).

Done in Washington, DC, this 8th day of November 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

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Forest Service

Wild and Scenic River Suitability Study for the South Platte River and the North Fork of the South Platte River in Douglas, Jefferson, and Park Counties, CO

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a legislative environmental impact statement.

SUMMARY: The USDA, Forest Service will prepare a wild and scenic river study report and legislative environmental impact statement (LEIS) to address the suitability of sections of the South Platte River and the North Fork of the South Platte River primarily within the Pike National Forest in Douglas, Jefferson, and Park counties, Colorado, for inclusion into the National Wild and Scenic Rivers System. The Forest Service invites written comments and suggestions on the management of these river sections and the scope of this analysis. The agency gives notice of the full environmental analysis and decision making process that will occur in this study so that interested and affected people are aware of how they may participate and contribute to the final recommendation to Congress.

DATES: Comments concerning the study of these rivers should be received by May 31, 1996. Send written comments and suggestions concerning the management of this river to Rick D. Cables, Forest Supervisor, Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands, 1920 Valley Drive, Pueblo, Colorado 81008.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and draft LEIS should be directed to Steve Davis, Wild and Scenic River Planning Team Leader, Pike and San Isabel National Forests, Cimarron and Comanche National Grasslands, 1920 Valley Drive, Pueblo, Colorado 81008; telephone (719) 585-3714.

SUPPLEMENTARY INFORMATION: The Forest Service is studying these rivers as required under Section 5(d)(1) of the Wild and Scenic Rivers Act of 1968 (Pub. L. 90-542, 82 Stat. 906, as amended; 16 U.S.C. 1271-1287). Section 5(d)(1) allows for the study of new potential wild and scenic rivers not designated under Section 3(a) or designated for study under Section 5(a) of the Act. Section 5(d)(1) states "In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national, wild, scenic, and recreational river areas". The study will consider a 22.8-mile segment of the South Platte River from below Elevenmile Dam to the high water line of Cheeseman Reservoir, a 23-mile segment of the South Platte River from below Cheeseman Dam to the high water line of Strontia Springs Reservoir, and a 23.1-mile segment of the North Fork of the South Platte River from the upstream boundary of the Berger property, near Insmont, downstream to its confluence with the South Platte River, to include lands within 1/4 mile from each stream bank. Preliminary alternatives include a wild and scenic designation for each segment for the length of the proposal, and an unsuitable for designation alternative. Other appropriate alternatives may be considered.

Rick D. Cables, Forest Supervisor, Pike and San Isabel National Forests, Comanche and Cimarron National Grasslands is the responsible official for preparing the suitability study. Dan Glickman, Secretary of Agriculture, U.S. Department of Agriculture, Room 200-A, Administration Building, Washington, DC 20250, is the responsible official for recommendations for wild and scenic river designation.

Public participation is especially important at several points in the study

process. The first point is the scoping process (40 CFR 1501.7). The Forest Service is seeking information comments, and assistance from Federal, State, and local agencies, individuals and organizations who may be interested in or affected by the proposed action. The public input will be used in preparation of the draft LEIS.

The draft LEIS is expected to be filed with the Environmental Protection Agency (EPA), and available for public review by October, 1996. At that time, the EPA will publish a notice of availability of the draft LEIS in the Federal Register.

The comment period on the draft LEIS will be 90 days from the date the EPA's notice of availability appears in the Federal Register. It is very important that those interested in the management of this river participate at that time. To be the most helpful, comments on the draft LEIS should be as specific as possible, and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act, 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft LEIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft LEIS stage but that are not raised until after completion of the final LEIS may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1988) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

After the comment period ends on the draft LEIS, comments will be analyzed and considered by the Forest Service in preparing the final LEIS. In the final LEIS, the Forest Service will respond to comments received (40 CFR 1503.4). The final LEIS is scheduled to be completed by the end of October 1997. The Secretary will consider the comments, responses, and consequences discussed in the LEIS, applicable laws, regulations, and policies in making a recommendation to the President regarding the suitability of these river

segments for inclusion into the National Wild and Scenic Rivers System. The final decision on inclusion of a river in the National Wild and Scenic Rivers System rests with the Congress of the United States.

Dated: November 9, 1995.

Tom L. Thompson,

Deputy Regional Forester.

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DEPARTMENT OF COMMERCE

Bureau of the Census

1996 Integrated Coverage Measurement (ICM) Address Listing Activities

AGENCY: Bureau of the Census, Commerce.

ACTION: Proposed agency information collection activity; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before January 16, 1996.

ADDRESSES: Direct all written comments to Gerald Taché, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to David C. Whitford, Bureau of the Census, Room 3771, Washington, DC 20233, (301) 457-4035.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Bureau of the Census developed the ICM approach for measuring coverage during the decennial census. The Independent Listing will obtain a complete housing unit inventory of all addresses within the 1996 ICM test area just before the 1996 test census commences. There will be two Independent Listing forms, DT-1302 and DT-1302A. The DT-1302 will contain experimental questions designed to enhance our address listing procedures. We will compare the results